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September 18, 2023

Via ECF

The Honorable Jesse M. Furman, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Acevedo v. E&M Logistics Staffing Inc.*
Case No. 23-cv-04460 (JMF)

Dear Judge Furman:

This firm represents the Defendant in the above-referenced matter. This letter shall serve as Defendant's request that the Court adjourn the initial conference (and pre-conference submission deadline) until after Defendant's Motion to Dismiss has been decided. Defendant has not previously requested an adjournment of the initial conference and pre-conference submission deadline. The basis for the request is that a decision on Defendant's Motion to Dismiss will provide clarity as to the pleadings so that the parties can determine the scope of potential discovery, if any is needed. For example, if Defendant's Motion is Granted in its entirety, an initial conference will not be required because Defendants seek dismissal of all state-law claims and a stay of the sole FLSA claim until after the state-law claims are adjudicated in New York State Supreme Court.

Plaintiff is amenable to an adjournment for a different reason. Specifically, the parties are waiting for the mediation office to assign a mediator to this matter and therefore, Plaintiff consents to an adjournment of the initial conference until three (3) weeks after completion of the mediation. An initial conference would not be required in the event a resolution is reached.

Either way, an adjournment will preserve the resources of all parties and the Court.

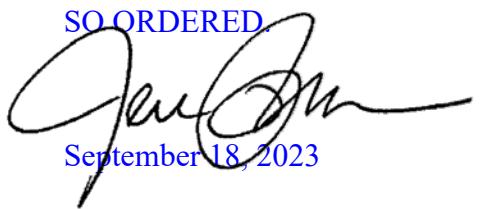
Thank you for your attention to this matter.

Respectfully submitted,

cc: All Counsel of Record (via ECF)

/s/ Matthew A. Brown

Application GRANTED. The initial pretrial conference scheduled for September 27, 2023 is adjourned *sine die*. The parties should notify the Court immediately if they reach a settlement. The Clerk of Court is directed to terminate Docket No. 24.

SO ORDERED

September 18, 2023